

OFFICIAL COUNCIL PROCEEDINGS

A regular meeting of the City Council of the City of Menomonie, Dunn County, Wisconsin, was held in open session on July 17, 2006, and called to order by Mayor Kropp at 7:00 p.m. in the City Council Chambers. The following members were present: Madsen, Sutliff, Herb White, Riedel, Schwebs, Hoyt, Brogan, Beety, and Lowery. Sandy White was absent.

MOTION to approve the minutes of the July 3, 2006 meeting was made by Hoyt, seconded by Brogan, and carried.

PUBLIC COMMENTS Randy Knaack spoke in opposition to the city adopting a smoking ban ordinance stating that businesses should be able to make their own choice as to whether to allow smoking in or near their building, and that there are other issues in the city that could be given a higher priority.

Wendy MacDougall, Dunn County Health Department, thanked the City Council for protecting people in the workplace by considering adoption of the proposed smoking ban ordinance.

Steve VandeBerg, representing the hotel industry, stated that the proposed ordinance is acceptable which prohibits smoking in 75% of the rooms in a bed and breakfast establishment, and hotel and motel rooms, but that if the ordinance were any more restrictive, it would create a hardship for the hotel industry.

Mel Saxton stated that the proposed smoking ban is not about health but about individuals rights to make choices for themselves.

Mary Solberg, Director of Main Street of Menomonie, requested clarification on how the ordinance would be enforced relating to the prohibition of smoking within 25' of the main outside entrance to public places or places of employment.

Damon Anderson, owner of the Silver Dollar Saloon, requested clarification on the 50% rule relating to restaurants holding a "Class B" beer/liquor license and/or a Class "B" beer license.

Melanie Morris, representing Buddah's Tobacco Shop, thanked the City Council for including "tobacco shops" as an exception in the proposed ordinance.

Linda McIntyre, Executive Director of the Menomonie Area Chamber of Commerce, spoke with concerns about enforcement of the proposed smoking ban, and concerns of businesses opening their books to the public.

MOTION directing the city attorney to re-draft the "smoking ban" ordinance and make the penalty uniform at \$25.00 was made by Schwebs, seconded by Herb White, and carried with Hoyt opposed.

MOTION directing the city attorney to modify the "smoking ban" ordinance so that smoking would be prohibited within 15' of the main entrance (as opposed to 25') was made by Herb White, seconded by Lowery, and lost.

MOTION to eliminate the proposed smoking ban ordinance was made by Hoyt, seconded by Sutliff, and lost.

MOTION to direct the city attorney to eliminate the entire paragraph 5 on page 7 of the proposed ordinance relating to "within twenty-five (25) feet of the main entrance...." was made by Beety, seconded by Schwebs, and lost on the following roll call vote: Ayes: Herb White, Riedel, Schwebs, and Beety. Noes: Madsen, Sutliff, Hoyt, Brogan, and Lowery.

MOTION directing the city attorney to amend paragraph 5 on page 7 to allow smoking on public right-of-way, including streets and sidewalks, was made by Schwebs, seconded by

Madsen, and carried on the following roll call vote: Ayes: Madsen, Herb White, Riedel, Schwebs, Beety, and Lowery. Noes: Sutliff, Hoyt, and Brogan.

MOTION to approve the proposed agreement between the City of Menomonie and Myrtis L. Whydotski Revocable Living Trust, for the installation of a private sewer grinder pump, sewer force main and associated facilities on the property at 1400 11th Avenue was made by Beety, seconded by Lowery, and carried.

MOTION to approve the request from Jesus Fellowship of Believers for the annual Yeshuapolooza Fest on September 9, 2006 in Wilson Park was made by Riedel, seconded by Hoyt, and carried.

RESOLUTION NO. 22 approving the plat of “Wild Bergamot Meadow”, in the Town of Menomonie, within the extraterritorial jurisdiction of the City of Menomonie, was introduced and moved for adoption by Hoyt, seconded by Sutliff, and carried.

No action was taken on the proposed review of the Police Department public safety project bids.

MOTION to suspend the rules to hear from Sean Lentz of Ehlers & Associates was made by Lowery, seconded by Brogan, and carried. Mr. Lentz updated the City Council members and Administration on financing options for the City of Menomonie regarding a 2006 bond issue and the possible refinancing of the General Obligation Promissory Notes of 2000.

RESOLUTION NO. 23 relating to the issuance of General Obligation Bonds in an amount not to exceed \$500,000 for the 2006 Street Improvement Program was introduced and moved for adoption by Brogan, seconded by Hoyt, and carried on roll call vote.

RESOLUTION NO. 24 relating to the issuance of General Obligation Bonds in an amount not to exceed \$2,000,000 for Community Development projects was introduced and moved for adoption by Lowery, seconded by Brogan, and carried on roll call vote.

RESOLUTION NO. 25 relating to the issuance of General Obligation Bonds in an amount not to exceed \$2,500,000 for a new Fire Engine House was introduced and moved for adoption by Madsen, seconded by Lowery, and carried on roll call vote.

RESOLUTION NO. 26 relating to the issuance of General Obligation Refunding Bonds in an amount not to exceed \$1,200,000 to refund the City’s General Obligation Promissory Notes, Series 2000, dated June 1, 2000, was introduced and moved for adoption by Hoyt, seconded by Schwebs, and carried on roll call vote.

MOTION to approve the proposed three year agreement between Dunn County and the City for the collection of the first half and/or full payments of real and personal property taxes was made by Schwebs, seconded by Beety, and carried on roll call vote.

APPOINTMENT MOTION to approve the Mayor’s recommendation and appoint Damon Anderson to the Main Street Board through December 31, 2008 was made by Brogan, seconded by Lowery, and carried.

MAYOR’S REPORT Mayor Kropp announced that the agenda pack included the Wakanda Waterpark June report; and the June fire department EMS and Alarm reports.

MOTION was made by Brogan, seconded by Hoyt, and carried on roll call vote to approve payment of the following claims:

A-1 Redi Mix	\$ 3,490.00
Bear Valley, Inc.	305.04
Cinemagic Theatres	1,000.00
County Materials	92.36
Hartland Fuel Products	36,300.27
Indianhead Insurance	82,072.00
Midwest Sealcoat	3,997.50
Motorola	356.00
Rassbach Communication	4,164.49

Two-way Communication	569.42
U. S. Postal Service	565.00
United Building Center	750.53
WI Dept. of Natural Resources	45.00
<u>PARKING UTILITY</u>	
Ronald J. Koenig	99.00
Rassbach Communications	25.32

LICENSES MOTION to approve the license list was made by Brogan, seconded by Lowery, and carried:

CIGARETTE: Kum & Go, L.C. (Kum & Go #49 - 2100 Cty Rd B).

OPERATORS: Pamela J. Biesterveld; Benjamin M. Burch; Mark R. Corbett; Christopher D. Ertl; Tara L. Mitch; Justin M. Olive; Brett D. Prescher; Lindsay M. Rossner; Christopher T. Wakefield; Kathryn L. Walker.

TEMPORARY CLASS “B” BEER LICENSE: Red Cedar Racing Assoc., Inc., Dunn County Rec. Park, 620 17th Street (grandstand) on Saturday, July 29, 2006 (NTPA Tractor Pull) (**WAIVE 15 DAY FILING REQUIREMENT - on file for 12 days**).

TEMPORARY CLASS “B” BEER & TEMPORARY “CLASS B” WINE LICENSE: St. Joseph Catholic Church, (September 16 & 17, 2006, Annual Fall Festival), 910 Wilson Avenue (roped off area on Wilson Avenue-in church parking lot); and Saturday evening in church basement @ Charles Hall during dinner.

MOTION to convene in closed session under Wisconsin Statutes 19.85 (1) (c),(e), and (g) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body had jurisdiction or exercises responsibility; deliberating or negotiating the purchase/sale of public properties; the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved was made by Brogan, seconded by Madsen, and carried on roll call vote.

MOTION to return to open session was made by Brogan, seconded by Riedel, and carried on roll call vote.

No action was taken.

MOTION to adjourn was made by Herb White, seconded by Hoyt, and carried.

JoAnn L. Kadinger, City Clerk

